



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9022**
Yoshihiro OHMIYA et al. : Attorney Docket No. 2008_0998
Serial No. 10/555,544 : Group Art Unit 1652
Filed November 4, 2005 : Examiner Rebecca E. Prouty
MULTIPLE GENE TRANSCRIPTION :
ACTIVITY ASSAY SYSTEM **Mail Stop: Amendment**

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

This is responsive to the Notice of Defective Response dated April 18, 2008. The Notice of Defective Response states that the Applicants' response dated February 8, 2008 fails to reply to the requirement for an election of three species of specific luciferase genes.

As for the three species of luciferase genes, Applicant's elect a combination of the following three luciferase genes:

a red-emitting luciferase gene derived from a rail road worm,
a green-emitting luciferase gene from *Rhagophthalmus ohba* and
an orange-emitting luciferase gene from *Rhagophthalmus ohba*.

Claims 7-18 and 22 are readable on the elected species.

Favorable action on the merits is solicited.

Respectfully submitted,
Yoshihiro OHMIYA et al.

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